

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION

MDL NO. 1456
C.A. NO. 01-12257-PBS

THIS DOCUMENT RELATES TO:
01-CV-12257-PBS and 01-CV-339

JUDGE PATTI B. SARIS

STIPULATION OF JOINDER OF OHIO ATTORNEY GENERAL
JIM PETRO IN OPPOSITION TO CLASS CERTIFICATION

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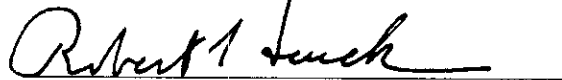
(Additional counsel listed on signature block)

Ohio Attorney General Jim Petro joins the opposition to class certification filed by Pennsylvania Attorney General Thomas Corbett. Mr. Petro has filed two cases in state court in Ohio against Dey, Inc., Warrick Pharmaceuticals Corp., Schering-Plough Corp., Schering Corp., Abbott Laboratories, Inc., Pharmacia Corp., Roxane Laboratories, Inc., Boehringer Ingelheim Pharmaceuticals, Inc., Ben Venue Laboratories, Inc. and Boehringer Ingelheim Corp. The two cases are in the process of being consolidated into a single action in the Court of Common Pleas of Hamilton County, Ohio.

Ohio Attorney General Petro has asserted claims on behalf of the State of Ohio to recover amounts overcharged by Defendants through their manipulation of average wholesale price and wholesale acquisition cost data. In addition, Mr. Petro has asserted claims on behalf of all Ohio Medicare recipients overcharged by Defendants' pricing scheme under Ohio's Consumer Sales Practices Act R.C. 1345.07(B). For the reasons set forth in the memorandum filed by Pennsylvania Attorney General Thomas Corbett, Ohio Attorney General Jim Petro opposes certification of a class that would include the Ohio Medicare beneficiary claims asserted in the Ohio cases.

Respectfully submitted,

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